

V. LEAST RESTRICTIVE ENVIRONMENT

It is the policy of the state of Iowa, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It is also the policy of the State of Iowa to annually examine placement/least restrictive environment information for students with disabilities. These data are disaggregated by race/ethnicity to ensure that students regardless of races/ethnicity are being educated, to the maximum extent appropriate, with children who are not disabled.

The State of Iowa requires local education agencies (LEAs) and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services.

Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur when, and to the extent that the nature or severity of the educational disability is such that education in regular classes, even with the use of supplementary aids and services cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, the Department of Human Services shall provide residential or detention facilities and AEA shall provide special education programs and services. The AEAs shall cooperate with the Iowa Board of Regents to provide the services required.

Iowa's Rules of Special Education further interpret and define the least restrictive environment as follows:

Each agency shall ensure that, to the maximum extent appropriate, children requiring special education are educated with individuals who do not require special education and that special classes, separate schooling or removal of children requiring special education from the general education environment occurs only if the nature or severity of the individual's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

When developing an eligible individual's IEP, the IEP team shall consider the following

questions regarding the provision of special education and related services:

- a) What accommodations, modifications and adaptations does the individual require to be successful in a general education environment?
- b) Why can't these accommodations, modifications and adaptations be provided within the general education environment?
- c) What supports are needed to assist the teacher and other personnel in providing these accommodations, modifications and adaptations?
- d) How will providing special education services and activities in the general education environment impact this individual?
- e) How will providing special education services and activities in the general education environment impact other students?

Iowa Department of Education policy assures that agencies providing special education and related services make a continuum of alternative placements and services available to meet the needs of children with disabilities. To the maximum extent appropriate to the needs of the eligible individual, special education and related services shall be designed and delivered so as to maintain the individual in the general education environment.

The general education environment includes, but is not limited to, the classes, classrooms, services, and nonacademic and extracurricular services and activities made available by an agency to all students. For preschool children who require special education, the general education environment is the environment where appropriate activities naturally occur for children of similar age without disabilities.

Instructional services are the specially designed instruction and accommodations provided by special education instructional personnel to eligible individuals. These services are ordinarily provided by the LEA, but in limited circumstances, may be provided by another LEA, the AEA or another recognized agency through contractual agreement.

An agency must use the following development process for creating a system for delivering instructional services. The delivery system shall meet the continuum of services and placements requirement and shall provide for the following:

1. The provision of accommodations and modifications to the general education environment and program, including modification and adaptation of curriculum, instructional techniques and strategies, and instructional materials.
2. The provision of specially designed instruction and related activities through cooperative efforts of special education teachers and general education teachers in the general education classroom.
3. The provision of specially designed instruction on a limited basis by a special education teacher in the general classroom or in an environment other than the general classroom, including consultation with general education teachers.
4. The provision of specially designed instruction to eligible individuals with similar special education instructional needs organized according to the type of curriculum and instruction to be provided, and the severity of the educational needs of the eligible individuals served.

The delivery system shall be described in writing and shall include the following components:

1. A description of how services will be organized and how services will be provided to eligible individuals.
2. A description of how the caseloads of special education teachers will be determined and regularly monitored to ensure that the IEPs of eligible individuals are able to be fully implemented.
3. A description of the procedures a special education teacher can use to resolve concerns about caseload. The procedures shall specify timelines for the resolution of a concern and identify the person to whom a teacher reports a concern. The procedures shall also identify the person or persons who are responsible for reviewing a concern and rendering a decision, including the specification of any corrective actions.
4. A description of the process used to develop the system, including the composition of the group responsible for its development.
5. A description of the process that will be used to evaluate the effectiveness of the system.
6. A description of how the delivery system will meet the targets identified in the state's performance plan.
7. A description of how the delivery system will address needs identified by the state in any determination.

The following procedures shall be followed by the agency:

1. The delivery system shall be developed by a group of individuals that includes parents of eligible individuals, special education and general education teachers, administrators, and at least one AEA representative. The AEA representative is selected by the director.
2. The director shall verify that the delivery system is in compliance with these rules prior to LEA board adoption.
3. Prior to presenting the delivery system to the LEA board for adoption, the group responsible for its development shall provide an opportunity for comment on the system by the general public. In presenting the delivery system to the LEA board for adoption, the group shall describe the comment received from the general public and how the comment was considered.
4. The LEA board shall approve the system prior to implementation.

Special education may be provided to eligible individuals on an itinerant basis. These services are usually provided by the AEA but may be provided by contractual agreement, subject to the approval of the AEA board, by the LEA or another qualified agency. Special education may be provided on an itinerant basis whenever the number, age, severity, or location of eligible individuals to be served does not justify the provision of professional personnel on a full-time basis to an attendance center.

Special education shall be provided to eligible individuals whose condition precludes their participation in the general and special education provided in schools or related facilities. Home and hospital instructional services shall be provided ordinarily by LEAs. Home and hospital support services shall be provided ordinarily by AEAs. The provision of services in a home or hospital setting shall satisfy the following:

- a) The service and the location of the service shall be specified in the individual's IEP.
- b) The status of these individuals shall be periodically reviewed to substantiate the continuing need for and the appropriateness of the service.

- c) Procedural safeguards shall be afforded to individuals receiving special education through itinerant services in a home or hospital setting. A need for itinerant services in a home or hospital setting must be determined at a meeting to develop or revise the individual's IEP, and parents must give consent or be given notice, as appropriate.

Supplementary aids and services to support least restrictive environment requirements must be provided as needed for students receiving special education services. These may include intensive short-term specially designed instruction; educational interpreters; readers for individuals with visual impairments; special education assistants; special education assistants for individuals with physical disabilities for assistance in and about school, and for transportation; materials; and specialized or modified instructionally related equipment for use in the school.

Special schools for eligible individuals who require special education outside the general education environment may be maintained by individual LEA; jointly by two or more LEAs; by the AEA; jointly by two or more AEAs; by the state directly; or by approved private providers.

The State of Iowa assures that:

1. The services of each child requiring special education are individually determined.
2. The services are reviewed on an annual basis.
3. The services are based on the child's individualized education program.
4. The services are provided in the school that he/she would normally attend if not disabled unless the child's individual education program requires some alternative arrangements.
5. That the services in the individualized education program will not produce a harmful effect on the child or reduce the quality of services required to meet his/her special education needs.
6. The services are provided in age-appropriate regular classrooms and the individual is not removed from general education settings solely because of needed modifications to the general education curriculum.

The State of Iowa also assures that requirements of least restrictive environment are met in preschool programs for children with disabilities. The Department of Education provides technical assistance and staff development activities on the topic of preschool integration.

The State of Iowa assures that in providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and activities, each child with a disability participates with children who do not have disabilities to the maximum extent appropriate to the needs of that child.

The State of Iowa requires written documentation for the review and satisfactory answers to following questions on IEPs of all students in separate facilities that solely serve eligible individuals:

1. What are the reasons that the eligible individual cannot be provided an educational program in an integrated school setting?
2. What supplementary aids and services are needed to support the eligible individual in the special education program?
3. Why is it not possible to provide these aids and services in an integrated setting?

4. What is the continuum of placements and services available to the eligible individual?

The State of Iowa assures that all personnel in private and public agencies responsible for implementing and supporting the requirements LRE (a) are fully informed about their responsibilities for implementing LRE, and (b) are provided with technical assistance and training necessary to assist them in this effort.

The State of Iowa monitors compliance with requirements of least restrictive environment in several ways. The State of Iowa conducts monitoring on a rotation in a certain number of AEAs each year. Interviews with school personnel and student file reviews provide information to document compliance with least restrictive environment requirements. The State of Iowa assures that each annual program plan will include procedures that ensure that students are educated in the least restrictive environment. Each AEA and LEA must provide the state the number of children with disabilities in the agency, within each disability category, who are participating in regular education programs and the number who are in separate classes or separate school facilities and otherwise removed from the regular education environment.

If there is evidence that a public agency makes placements that are not consistent with the least restrictive environment, the Iowa Department of Education will review the public agency's justification for its actions and will assist in planning and implementing any necessary corrective action.

In the case of a determination of significant racial or ethnic disproportionality with respect to placement, the Department shall require an LEA to review and, if appropriate revise its policies, procedures, and practices. The Department shall require any revisions of those policies to be made available to the public, and shall further require the LEA to reserve the maximum amount to provide coordinated early intervening services, as required in 34 C.F.R. section 300.646. (This policy shall also apply to findings of significant disproportionality in identification or discipline,)